

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STARLIGHT MARITIME LTD.

Plaintiff,

- against -

PRODPROGRAMMA IMPULS LTD.

Defendant.

08 CV 5542  
ECF CASE

**PLAINTIFF STARLIGHT MARITIME LTD.'S RESPONSE TO DEFENDANT  
PRODPROGRAMMA IMPULS LTD.'S MOTION TO TO STAY PROCEEDINGS  
PENDING ARBITRATION AND MOTION TO COMPEL ARBITRATION**

Plaintiff, STARLIGHT MARITIME LTD. ("Plaintiff"), by and through its attorneys, Tisdale Law Offices LLC, hereby submits its Response to Defendant, PRODPROGRAMMA IMPULS LTD.'s ("Defendant") Motion to Stay the Proceedings and Motion to Compel Arbitration. The Defendant's motion to stay the proceedings should be granted. The Defendant's motion to compel arbitration is moot because the Plaintiff is already in the process of commencing arbitration.

## STATEMENT OF FACTS

The facts pertaining to the instant Motion to Vacate the process of maritime attachment and garnishment are fully set forth in the accompanying Declaration of Claurisse Campanale Orozco dated August 6, 2008 (“Orozco Dec.”). The facts stated in the Declaration are incorporated by reference herein. In addition, this Memorandum of Law will make reference to, and discuss as necessary the facts set forth in the Declaration.

## DISCUSSION

### A. Motion to Stay Proceedings

Plaintiff consents to the Defendant's request for a stay of the proceedings herein. Plaintiff has attached a proposed order for the Court's convenience that will stay these proceedings pending the outcome of the arbitration in Russia. *See Proposed Order, attached as Exhibit 2 to the Orozco Dec., see also E-mail communications from Transport Counsellors International, Plaintiff's Greek Counsel, dd. July 8, 2008, attached as Exhibit 3 to the Orozco Dec.*

### B. Motion to Compel Arbitration

The Plaintiff, through its counsel in Greece and counsel in Russia, is presently undertaking the steps necessary to commence arbitration in Russia, (*see e-mail from Transport Counsellors International, Plaintiff's Greek Counsel to C. Campanale Orozco, dd. July 8, 2008, attached as Exhibit 3 to the Orozco Dec.*) pursuant to the terms of the charter party between the Plaintiff and the Defendant. *See Verified Complaint at ¶12-13, attached as Exhibit 1 to the Orozco Dec.*

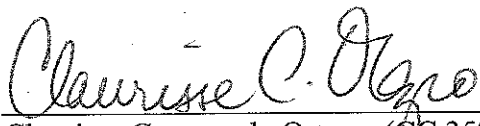
Because the Plaintiff is already preparing to commence arbitration, and has retained Russian counsel to pursue the arbitration, this Honorable Court does not need to compel the Plaintiff to act in this regard. *See e-mail communications from Transport Counsellors International, Plaintiff's Greek Counsel, attached as Exhibits 3 and 4 to the Orozco Dec.* It is anticipated that the arbitration will be underway within 30 – 45 days. *See e-mail communications from Transport Counsellors International, Plaintiff's Greek Counsel, attached as Exhibit 4 to the Orozco Dec.*

### CONCLUSION

For all of the reasons stated above, Defendant's motion to stay the present proceedings pending before this Honorable Court should be granted. Defendant's motion to compel arbitration is moot.

Dated: August 6, 2008  
New York, NY

The Plaintiff,  
STARLIGHT MARITIME LTD.

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